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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference plus-0405	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/KR2004/000387	International filing date(day/month/year) 25 FEBRUARY 2004 (25.02.2004)	Priority date (day/month/year) 25 FEBRUARY 2003 (25.02.2003)	
International Patent Classification (IPC) or national classification and IPC IPC7 B43K 23/008			
Applicant KIM, Hae-II			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____ containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability



☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 22 SEPTEMBER 2004 (22.09.2004)	Date of completion of this report 13 JUNE 2005 (13.06.2005)
Name and mailing address of the IPEA/KR  Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer KANG, SANG YOON  Telephone No. 82-42-481-8153

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☒ This report is based on translations from the original language into the following language English which is the language of a translation furnished for the purposes of:
 - ☐ international search (under Rules 12.3 and 23.1(b))
 - ☒ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
 - ☒ the international application as originally filed/furnished
 - ☐ the description:
 - pages _____
 - pages* _____ received by this Authority on _____ as originally filed/furnished
 - pages* _____ received by this Authority on _____
 - ☐ the claims:
 - pages _____
 - pages* _____ as originally filed/furnished
 - pages* _____ as amended (together with any statement) under Article 19
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____
 - ☐ the drawings:
 - pages _____
 - pages* _____ as originally filed/furnished
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____
 - ☐ the sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages _____
 - ☐ the claims, Nos. _____
 - ☐ the drawings, sheets _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages _____
 - ☐ the claims, Nos. _____
 - ☐ the drawings, sheets _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	4 - 15	YES
	Claims	1 - 3	NO
Inventive step (IS)	Claims	4 - 14	YES
	Claims	15	NO
Industrial applicability (IA)	Claims	1 - 15	YES
	Claims	None	NO

2. Citations and explanations (Rule 70.7)

D1: JP S52-097814 A

D2: US 5626430

D3: KR 20-0261344 Y1

1) Novelty

D1 discloses a writing instrument holder whose body contour conforms to the shape of the space formed by the anterior surfaces of index, middle, ring fingers, thumb, and palm when a user grasps a writing instrument in a conventional way. A bore is formed through the holder to receive a writing instrument. This holder includes all the components that Claim 1 - 3 of the present invention claim.

Thus Claim 1 - 3 does not fulfill the requirements of novelty with respect to D1 (Article 33(2) PCT).

2) Inventive Step

D2 relates a hand-held device that aids grasping a writing instrument. It is written in D2, 5 - 6 lines of column 5 that the construction material of the device may be porous to allow for long periods of use without causing finger or hand sweating. This is the identical conception underlying the Claim 15 of the present invention.

D3 describes a finger inserting type writing device. On the inner surface of the finger inserting cavity where the anterior part of an index finger contacts, a plurality of small protrusions(250) are embossed(Read the 27th line of page 4 and see the figures 1, 2, and 5). This is same as the embossment(25) depicted in figure 5 and claimed in Claim 15 of the present invention.

Thus, the features of the writing instrument holder according to Claim 15 are considered to be easily contrived from D2 and D3, which indicates that Claim 15 does not fulfill the requirement of inventive step with respect to the said documents(Article 33(3) PCT).

3) Industrial Applicability

The present invention is used to aid the right grasping of the writing instrument and to lessen the fatigue caused by long periods of writing. Therefore, it is industrially applicable and fulfills the requirement of industrial applicability(Article 33(4) PCT).